

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/753,392
SUGHRUE MION, PLLC Ref: Q78899

REMARKS

Claims 1-12 are all the claims pending in the application. Of these claims, claim 11 has been withdrawn from consideration, leaving claims 1-10 and 12 examined in the subject Office Action. By way of this Amendment, Applicant has amended independent claim 1 to include the limitation of dependent claim 12. It is respectfully submitted that, as amended, claim 1 patentably distinguishes over the cited art.

More specifically, Zarife, et al. (U.S. Patent No. 4,741,726) and Takano (U.S. Patent No. 4,493,681), cited by the Examiner, disclose solutions of toothed transmission belts comprising longitudinal elements embedded in an elastomer material and transversal reinforcement members, where the transversal reinforcement members are able to increase the transversal rigidity of the teeth.

In the invention each metal cross-member 5 “*constitutes the core*” of a respective tooth 6 of the toothed belt. A basic feature of the invention lies in that the metal cross-member 5 has a cross-section *whose shape defines the shape of the cross-section of the respective tooth 6*, and the elastomer material constitutes only a simple coating applied to the outer surface of the metal cross-element 5. Therefore, in this case, *the metal cross-element 5 defines the geometry and the shape of the body of the tooth 6 and provides it with high dimensional stability*. Claim 1 has been amended to include the limitation of claim 12 which specifically claims this feature of the invention.

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In Zarife, et al., Zeldman and Takano, the transversal reinforcement member increase the transversal rigidity of the tooth, but *do not define the geometry and the shape of the body of the teeth.*

Turning to the Office Action itself, Applicant notes that while the Examiner has indicated that claim 12 (which has been incorporated into claim 1) is rejected under § 103 as being unpatentable over Zarife, et al. in view of Zeldman, the Examiner has failed to articulate this rejection. Specifically, the Examiner provides detailed comments regarding claims 1, 2 and 4-8 in paragraph 2 of the Office Action, but has failed to even consider the limitation recited in claim 12, which has now been incorporated into independent claim 1. As explained above, the prior art simply does not teach or suggest a tooth transmission valve wherein each of the metal cross members has a cross-section whose shape defines the shape of the cross section of the respective tooth where the elastic material constitutes a coating applied on the outer surface of the metal cross members.

Applicant notes that since claim 1 has only been amended to include the limitation of dependent claim 12, this amendment does not raise any new issues requiring further search and/or consideration. Thus, entry of this Amendment and allowance of the application is respectfully requested.

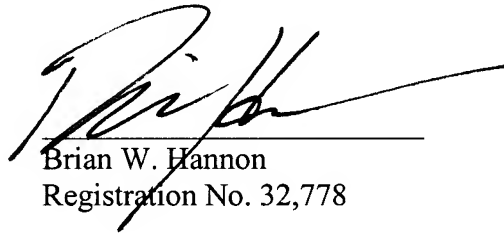
Based on the foregoing, it is respectfully submitted that the application is in condition for allowance. It is therefore requested that it be passed to issuance at the earliest possible convenience. If any points remain in issue which the Examiner feels may be best resolved

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through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: July 19, 2006